

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SONICSOLUTIONS ALGAE CONTROL, LLC,)
SONIC SOLUTIONS, LLC, and)
ALGAECONTROL.US LLC,)
Plaintiffs,)
v.) C.A. No. 3:21-cv-30068-MGM
DIVERSIFIED POWER INTERNATIONAL, LLC,)
ANTONIO TRIGIANI, and)
HYDROBIOSCIENCE, LLC)
Defendants.

**PLAINTIFFS' PARTIALLY ASSENTED-TO MOTION TO TAKE FOURTEEN
DEPOSITIONS**

Plaintiffs SonicSolutions Algae Control, LLC, Sonic Solutions, LLC, and
AlgaeControl.US LLC (“Plaintiffs”) move for an order granting it permission to take in excess of
ten depositions.

Local Rule 26.1 states that, “unless the judicial officer orders otherwise, the number of discovery events shall be limited for each side (or group of parties with a common interest) to 10 depositions.” Plaintiffs wish to take fourteen depositions. Thirteen of these depositions will be of Defendants’ representatives and employees. Defendants have assented to have the deposition of these thirteen representatives and employees taken. The fourteenth is of a third-party witness.

Plaintiffs wish to take the depositions of the following employees and representatives of Defendants Diversified Power International, LLC (“DPI”) and Hydro BioScience, LLC (“HBS”):

1. George Barton
2. Brittany Childress
3. Larry Peacock
4. Donna Trigiani
5. Antonio Trigiani
6. Paul Woods

7. Keith Bowman
8. Lou Bourbon
9. Thomas Calbert
10. Flora Mosley
11. Michael Wolf
12. 30(b)(6) representative for DPI
13. 30(b)(6) representative for HBS

Subpoenas for the depositions of the first seven witnesses above were previously served; four of these depositions have been completed to date. The to-be-deposed Defendant employees include three salesmen for HBS (6-8), three DPI employees Defendants have recently confirmed they intend to call as trial witnesses (9-11), and the Defendants themselves (12-13). Given that Defendants identified more than one dozen employees as potential trial witnesses, Doc. 53, as well as the numerosity of parties and individuals involved in this case, this is a reasonable request. Defendants have assented to Plaintiffs' motion to exceed ten depositions so that Plaintiffs may take the thirteen depositions described above.

Plaintiff also seeks to depose a representative of the Long Pond Clean Waters Committee, a third-party witness residing in Massachusetts who is believed to have discoverable information concerning DPI's tortious interference with Plaintiffs' business relations and defamatory publications made by DPI. Defendants have not assented to this portion of Plaintiffs' motion.

Plaintiffs intend to complete depositions of Defendants' witnesses the week of October 17, 2022, and to complete the deposition of the Long Pond Clean Waters Committee before the end of the discovery period in this litigation, which is October 28, 2022.

For the foregoing reasons, Plaintiffs asks that this Court, pursuant to Local Rule 26.1, order that Plaintiffs not be limited to ten depositions, but be allowed to take the fourteen depositions described above.

Respectfully submitted,

PLAINTIFFS,
SONICSOLUTIONS ALGAE CONTROL, LLC.,
SONIC SOLUTIONS, LLC, and
ALGAECONTROL.US LLC

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By Their Attorneys,

/s/ Lauren C. Ostberg _____

James C. Duda, Esq. (BBO # 551207)
Lauren C. Ostberg, Esq. (BBO # 696883)
Bulkley, Richardson and Gelinas, LLP
1500 Main Street, Suite 2700
Springfield, MA 01115-5507
Tel. (413) 272-6286
jduda@bulkley.com
lostberg@bulkley.com

Dated: September 26, 2022

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES 7.1 AND 37.1

I, Lauren C. Ostberg, do hereby certify that Plaintiffs' counsel in this matter conferred, in person, with Defendants' counsel, Mark Dessauer, Esq., on September 20 and 21, 2022 in a good faith effort to narrow areas of disagreement concerning the subject matter of this motion, and that Attorney Dessauer and I further conferred concerning the subject matter of this motion via email on September 23 and September 26, 2022.

/s/ Lauren C. Ostberg _____

Lauren C. Ostberg

CERTIFICATE OF SERVICE

I, Lauren C. Ostberg, certify that this document, by its filing, on September 26, 2022, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on the date of its filing.

/s/ Lauren C. Ostberg _____

Lauren C. Ostberg